

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

VINCENT RUIZ,

Plaintiff,

No. 6:22-cv-00214-MK

v.

ORDER

BRUCEPAC, INC.; DOES 1-7,

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mustafa Kasubhai. ECF No. 19. Judge Kasubhai recommends that Defendant's Motion to Dismiss and to Compel Arbitration, ECF No. 9, be granted in part.

Under the Federal Magistrates Act, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge's findings and recommendations, "the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review.

See Thomas v. Arn, 474 U.S. 140, 152 (1985) (“There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate’s report to which no objections are filed.”). Although no review is required in the absence of objections, the Magistrates Act “does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard.” *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that “[w]hen no timely objection is filed,” the court should review the recommendation for “clear error on the face of the record.”

In this case, no party has filed objections to the F&R. The Court has reviewed the F&R and finds no error. The F&R, ECF No. 19, is therefore ADOPTED. Defendant Brucepac, Inc.’s Motion to Dismiss and to Compel Arbitration is GRANTED in part. The Court GRANTS the request to compel arbitration in this matter and STAYS the case pending resolution of arbitration. The parties are directed to notify the Court of the result of arbitration within fourteen (14) days of the conclusion of arbitration.

It is so ORDERED and DATED this 18th day of October 2022.

/s/Ann Aiken
ANN AIKEN
United States District Judge